

Senate Bill No. 942

Passed the Senate May 7, 2001

Secretary of the Senate

Passed the Assembly July 18, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend, add, and repeal Section 224 of the Food and Agricultural Code, relating to agriculture.

LEGISLATIVE COUNSEL'S DIGEST

SB 942, Costa. Agriculture.

Existing law provides for the distribution to counties of funds transferred to the Department of Food and Agriculture Fund from the Motor Vehicle Fuel Account as partial reimbursement for county expenses incurred in carrying out various agricultural programs.

This bill would recast those provisions to reenact a system of priorities for the distribution of those funds operative prior to July 1, 2001, but also including a limit on the amount of county reimbursement for programs dealing with high-risk pest exclusion and noxious weeds. This bill would also provide that these provisions would become inoperative on July 1, 2003, and would be repealed on January 1, 2004.

This bill would also reenact, operative July 1, 2003, the provisions of law regarding the distribution of these funds to counties from the Department of Food and Agriculture Fund that became operative on July 1, 2001.

The people of the State of California do enact as follows:

SECTION 1. Section 224 of the Food and Agricultural Code, as added by Section 2 of Chapter 890 of the Statutes of 1999, is amended to read:

224. Money transferred by the Controller to the Department of Food and Agriculture Fund from the Motor Vehicle Fuel Account pursuant to Section 8352.5 of the Revenue and Taxation Code shall be expended by the Secretary of Food and Agriculture as follows:

(a) Five hundred thousand dollars (\$500,000) of the amount transferred each fiscal year is hereby appropriated for reimbursement for charges for state administrative costs, and for departmental and divisional overhead expense apportioned to the Department of Food and Agriculture Fund.



(b) One million dollars (\$1,000,000) each fiscal year is hereby appropriated to be used only for emergency detection, eradication, or research of agricultural plant or animal pests or diseases, during the fiscal year. The Secretary of Food and Agriculture may expend the funds with the approval of the Director of Finance. At the end of each fiscal year, any unencumbered balance of those funds shall be added to the amount available for payment to counties during the next fiscal year, as provided in subdivision (c).

(c) The total amount transferred during each fiscal year less the amounts provided in subdivisions (a) and (b), is hereby appropriated to be paid to the counties as follows:

(1) First priority shall be partial reimbursement of any county's prior year net general fund county cost for carrying out agricultural programs authorized by this code that are supervised by the department.

(2) Second priority shall be up to full reimbursement within the same fiscal period plus 60 days for expenditures incurred by the county in accordance with a budget approved by the department for programs dealing with high-risk pest exclusion and noxious weeds. This amount shall not exceed the lesser of the amount allocated for this purpose for the 2000–01 fiscal year or the amount equal to 9.17 percent of the total available appropriation for county reimbursements.

(3) Reimbursements shall not exceed the total amount transferred by the Controller to the Department of Food and Agriculture Fund from the Motor Vehicle Fuel Account pursuant to Section 8352.5 of the Revenue and Taxation Code, and shall be apportioned to the counties by the secretary in relation to each county's expenditures to the total amount expended by all counties for the preceding fiscal year for such agricultural programs, as determined by the secretary. The amount to be transferred to any county for a fiscal year may be increased or decreased by the secretary to provide that, insofar as those transferred unclaimed refundable gas tax funds for apportionment to the counties are available, no county shall receive smaller combined apportionments of gas taxes and unclaimed refundable gas taxes than that county would have received had the gas taxes been apportioned without the transfer required by Section 8352.5, as determined by the secretary, except that the amount of unclaimed refundable gas tax funds to be transferred to any county for a fiscal



year may be increased or decreased by the secretary to compensate for incorrect previous transfers to that county.

(d) This section shall become inoperative on July 1, 2003, and is repealed on January 1, 2004, unless a later enacted statute that is enacted before January 1, 2004, deletes or extends either or both of those dates.

SEC. 2. Section 224 is added to the Food and Agricultural Code, to read:

224. Money transferred by the Controller to the Department of Food and Agriculture Fund from the Motor Vehicle Fuel Account pursuant to Section 8352.5 of the Revenue and Taxation Code shall be expended by the Secretary of Food and Agriculture as follows:

(a) Five hundred thousand dollars (\$500,000) of the amount transferred each fiscal year is hereby appropriated for reimbursement for charges for state administrative costs, and for departmental and divisional overhead expense apportioned to the Department of Food and Agriculture Fund.

(b) One million dollars (\$1,000,000) each fiscal year is hereby appropriated to be used only for emergency detection, eradication, or research of agricultural plant or animal pests or diseases, during the fiscal year. The Secretary of Food and Agriculture may expend the funds with the approval of the Director of Finance. At the end of each fiscal year, any unencumbered balance of those funds shall be added to the amount available for payment to counties during the next fiscal year, as provided in subdivision (c).

(c) The total amount transferred during each fiscal year less the amounts provided in subdivisions (a) and (b), is hereby appropriated to be paid to the counties as partial reimbursement for county expenses for carrying out agricultural programs authorized by this code that are supervised by the department. The payment shall be apportioned to the counties by the secretary in relation to each county's expenditures to the total amount expended by all counties for the preceding fiscal year for such agricultural programs, as determined by the secretary. The amount to be transferred to any county for a fiscal year may be increased or decreased by the secretary to provide that, insofar as those transferred unclaimed refundable gas tax funds for apportionment to the counties are available, no county shall receive smaller combined apportionments of gas taxes and unclaimed refundable



gas taxes than that county would have received had the gas taxes been apportioned without the transfer required by Section 8352.5, as determined by the secretary, except that the amount of unclaimed refundable gas tax funds to be transferred to any county for a fiscal year may be increased or decreased by the secretary to compensate for incorrect previous transfers to that county.

(d) This section shall become operative on July 1, 2003.



Approved _____, 2001

Governor

